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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE DISTRICT OF OREGON  
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15 STEVEN ROMANIA

16 Plaintiff,

17 vs.

18 JASON VOLK, ROSENTHAL COLLINS  
19 GROUP, LLC AND DOES 2-5,

20 Defendants.  
21

O R D E R  
Civ. No. 08-6229-AA

22 AIKEN, Judge:

23 The court held a hearing on October 2, 2009, to determine  
24 the amount of default judgment. Damages were awarded as  
25 requested by plaintiff except for the issue of punitive damages,  
26 which the court took under advisement.

27 Plaintiff requests a punitive damages money award in the  
28 amount of \$350,000. Plaintiff was previously awarded a  
compensatory damages money award of \$350,000, as well as pre- and

1 post-judgment interest, attorney fees and costs. Plaintiff's  
2 request for punitive damages is based on his allegation that,  
3 "[d]efendant defrauded and deceived me into investing with him  
4 based on intentional misrepresentations and omissions of  
5 important facts." Plaintiff's Declaration, p. 2, para. 10.  
6 Relying on Wieber v. FedEx Ground Package System, Inc., 231 Or.  
7 App. 469, \_\_\_ P.3d \_\_\_, 2009 WL 3448182 (2009) (guideposts and  
8 reprehensibility factors) and Vasquez-Lopez v. Beneficial Oregon,  
9 Inc., 210 Or. App. 553, 152 P.3d 940 (2007) (punitive damages  
10 discussion/reasonableness), plaintiff is entitled to an award of  
11 \$350,000 for punitive damages in this case. A one-to-one ratio  
12 of compensatory to punitive damages is reasonable here. Relying  
13 on the case law cited above, defendant's conduct was "moderately  
14 reprehensible," and the harm was purely economical in that  
15 plaintiff lost his entire \$350,000 investment. The "guidepost" of  
16 reprehensibility associated with defendant's misconduct is the  
17 "most important indicator of the reasonableness of a punitive  
18 damages award." Wieber, 2009 WL 3448182, \*13 (citing BMW of  
19 North America, Inc. v. Gore, 517 U.S. 559, 575 (1996)).  
20 Defendant's actions qualify for application of the fifth  
21 reprehensibility factor (intentional conduct), as well as the  
22 third and fourth factors. Plaintiff was financially vulnerable  
23 and the misconduct was composed of repeated actions by defendant.  
24 Plaintiff was retired and not particularly financially  
25 sophisticated. As a result of plaintiff's dealings with  
26 defendant, plaintiff had to cancel another business deal.  
27 Defendant knew this information, thus supporting application of  
28 the fifth reprehensibility factor: "intentional malice, trickery,

1 or deceit[.]" Id. The first and second reprehensibility factors  
2 do not apply. Thus, two, perhaps three reprehensible factors are  
3 met, making defendant's conduct "moderately reprehensible."  
4 Therefore, a one-to-one ratio of compensatory to punitive damages  
5 is appropriate.

6 CONCLUSION

7 Plaintiff's request for punitive damages is granted.  
8 Punitive damages in the amount of \$350,000 is awarded to  
9 plaintiff.

10 IT IS SO ORDERED.

11 Dated this 8 day of December 2009.

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16 Ann Aiken  
17 United States District Judge  
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